

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH LEONE,

Plaintiff,

No. C 07-4073 PJH

v.

S. TREZEVANT MOORE, JR., et al.,

**ORDER CONSOLIDATING CASES**

Defendants.

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ROSENBLUM CAPITAL LLC,

Plaintiff,

No. C 07-4096 PJH

v.

LUMINENT MORTGAGE CAPITAL, INC.,  
et al.,

Defendants.

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HOWARD J. KAPLOWITZ IRA,

Plaintiff,

No. C 07-4140 PJH

v.

LUMINENT MORTGAGE CAPITAL, INC.,  
et al.,

Defendants.

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ELLIOT GREENBERG,

Plaintiff,

No. C 07-4141 PJH

v.

LUMINENT MORTGAGE CAPITAL, INC.,  
et al.,

Defendants.

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1 PEM RESOURCES LP,

2 Plaintiff,

No. C 07-4184 PJH

3 v.

4 LUMINENT MORTGAGE CAPITAL, INC.,  
et al.,

5 Defendants.  
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7 ALLEN M. METZGER,

8 Plaintiff,

No. C 07-4686 PJH

9 v.

10 LUMINENT MORTGAGE CAPITAL, INC.,  
et al.,

11 Defendants.  
12 \_\_\_\_\_/

13 The above-entitled related actions are hereby consolidated for all purposes,  
14 including discovery, pretrial proceedings, and trial, pursuant to Federal Rule of Civil  
15 Procedure 42(a). The consolidated action shall be captioned In re Luminent Mortgage  
16 Capital, Inc., Securities Litigation, Case No. C 07-4073 PJH, and the files of this action  
17 shall be maintained in one file under No. C 07-4073 PJH. The docket in C 07-4073 PJH  
18 shall constitute the Master Docket for this action.

19 Any other related actions now pending or subsequently filed in, or transferred to, this  
20 District shall be consolidated into this action for all purposes. This order shall apply to  
21 every such related action, absent order of the court. A party that objects to such  
22 consolidation, or to any other provision of this order, must file an application for relief from  
23 this order within 14 days after the date on which the order is electronically filed.

24 The parties shall file a notice of related cases pursuant to Civil Local Rule 3-12  
25 whenever a case that should be consolidated into this action is filed in, or transferred to,  
26 this District.

27 APPOINTMENT OF LEAD PLAINTIFF'S COUNSEL

28 All motions for appointment of lead plaintiff and lead plaintiff's counsel, previously

1 filed in any of the above-entitled actions, shall be WITHDRAWN by the parties that filed  
2 such motions, and shall be re-filed in the consolidated action, C 07-4073 PJH, no later than  
3 Wednesday, October 17, 2007. The motions shall be noticed for hearing on Wednesday,  
4 November 21, 2007.

5 After the court has designated a lead plaintiff and approved lead counsel, lead  
6 plaintiff's counsel shall have authority to speak for and enter into agreements on behalf of  
7 plaintiffs in all matters regarding pretrial procedures, discovery and settlement negotiations.

8 Lead plaintiff's counsel shall manage the prosecution of this litigation to avoid  
9 duplicative or unproductive activities. Lead plaintiff's counsel shall be responsible for  
10 coordination of all activities and appearances on behalf of plaintiffs and for dissemination of  
11 notices and orders. Lead plaintiff's counsel shall be responsible for communications with  
12 the court. Lead plaintiff's counsel shall communicate with other plaintiffs' counsel and have  
13 the right to assign projects to other plaintiffs' counsel. Defendants' counsel may rely upon  
14 agreements made with lead plaintiff's counsel. Such agreements shall be binding on all  
15 plaintiffs.

#### 16 PLEADINGS AND MOTIONS

17 Defendants are not required to respond to the complaint in any action consolidated  
18 into this action, other than a consolidated complaint or a complaint designated as the  
19 operative complaint. Lead plaintiff shall file a consolidated complaint within 60 days after  
20 the filing of the order designating the lead plaintiff, unless otherwise agreed upon by the  
21 parties.

22 The consolidated complaint shall be the operative complaint and shall supersede all  
23 complaints filed in any of the actions consolidated herein. The consolidated complaint shall  
24 comply with the pleading requirements of the Private Securities Litigation Reform Act, as  
25 interpreted by the United States Supreme Court and the Ninth Circuit Court of Appeals.

26 Defendants shall respond to the consolidated complaint within 45 days after service,  
27 unless otherwise agreed upon by the parties. If defendants file any motions directed at the  
28 consolidated complaint, the opposition brief shall be filed within 45 days of filing that motion

1 and the reply brief shall be filed within 21 days of the filing of the opposition brief, unless  
2 otherwise agreed upon by the parties and approved by the court.

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4 **IT IS SO ORDERED.**

5 Dated: October 10, 2007



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PHYLLIS J. HAMILTON  
United States District Judge